

David B. Markowitz

Shareholder

Biography

In addition to his active trial schedule, Dave shares his craft with lawyers of all levels. He is a frequent lecturer on litigation-related topics for the Oregon State Bar, the Federal Bar Association and the Multnomah Bar Association. He regularly presents a nationally-recognized training seminar on depositions.

Dave is recognized in *The Best Lawyers in America* for "Bet-the-Company Litigation," is a fellow of the American College of Trial Lawyers, is a member of the American Board of Trial Advocates, and was listed as one of the Top Ten Oregon Litigators by the *National Law Journal*. He was recognized by *Chambers USA* as one of the two top commercial litigators in Oregon, and he is included in Lawdragon's *500 Leading Litigators in America* and *500 Leading Plaintiffs' Lawyers in America*.

In a statewide survey identifying the top five percent of attorneys, Dave earned more points than any other attorney in Oregon, as seen in the November 2007 issue of *Oregon Super Lawyers*. *Oregon Business* magazine, in their 2007 Power Book, recognized Dave for "Delivering Results," naming him one of 50 Great Leaders in Oregon.

Dave frequently acts as a mediator and arbitrator to resolve commercial disputes, and he served as a pro-tem judge in Multnomah County for several years. He also is an expert on attorney fees, providing courtroom testimony in legal fee award disputes.

Dave graduated from California State Polytechnic University in 1971, and from the University of the Pacific McGeorge School of Law in 1974, where he was legislation editor of the *Pacific Law Journal*. He was admitted to the Oregon State Bar in 1974 and for eight years thereafter practiced general civil litigation with an established Portland firm. In January, 1983, he and Barrie J. Herbold formed Markowitz & Herbold, the predecessor of Markowitz, Herbold, Glade & Mehlhaf.

Professional Experience and Affiliations

- Fellow, American College of Trial Lawyers
- Member, American Board of Trial Advocates
- President, Owen M. Panner American Inn of Court, 1991-2; Master of the Inn
- Member, Multnomah County Bar Association Board of Directors, 1990-4

Education

University of the Pacific McGeorge School of Law — J.D., with great distinction, 1974
California State Polytechnic University — B.S., 1971

Related Articles

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Related News

- 11/21/2007 [Oregon Super Lawyers Names David Markowitz Top Attorney in Oregon](#)
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- 12/11/2006 [Oregon State Bar Honors Markowitz, Herbold, Glade & Mehlhaf Attorneys for Volunteer Service, Leadership](#)
- 12/1/2006 [Oregon Business Magazine Names David Markowitz One of 50 Great Leaders](#)
- 11/20/2006 [Five Markowitz, Herbold, Glade & Mehlhaf Attorneys Named *Super Lawyers*](#)
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- 8/1/2006 [David Markowitz Quoted in the *Portland Business Journal*](#)
- 6/13/2006 [Clients and Peers Rank Markowitz, Herbold, Glade & Mehlhaf First in Oregon for Commercial Litigation](#)
- 4/21/2006 [David Markowitz Honored with Mentor Award at *Commerce Magazine* Rainmakers Event](#)
- 3/16/2006 [David Markowitz Selected as a Finalist for Rainmaker Awards](#)
- 9/1/2005 [The Best Lawyers in America® Includes Three from Markowitz, Herbold, Glade & Mehlhaf](#)
- 5/1/2005 [Chambers USA Ranks Markowitz, Herbold, Glade & Mehlhaf First in Oregon for Commercial Litigation](#)

Representative Publications

Dave regularly publishes in the Oregon State Bar's *Litigation Journal*.

Admitted to Practice

Oregon (1974)

U.S. District Court, District of Oregon

U.S. Court of Appeals, Ninth Circuit

U.S. Supreme Court

Summary of Attorney Fee Rate Awards
USDC Oregon 2006 - 2008

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Donald Ashmanskas	7/00/2006	MW Builders, Inc., et al. v. Safeco Insurance Company of America, et al.				
Approved by Haggerty		CV 02-1578-AS	\$275.00	Lory Lybeck		1983
			\$150.00	Assoc		
				\$95.00	Paralegals	
Lee R. West	7/16/2007	Copyright Infringement Case in Oklahoma Capitol Records v Debbie Foster CV 04-1569-W (Reduced fees for excessive billing and unsuccessful claims - Recovered \$61,576.50)	\$175.00			1984
Ancer Haggerty	2/6/2006	Debt Collection Act Violation	\$275.00	Leonard Duboff		1977
From Janice Stewart		Duboff v. Rentcollect Corp CV 05-407-ST		\$175.00	Abby Michaels	2001
Michael Mosman	2/6/2006	Debt Collection Act Violation Sohail Masood v. Capital Credit & Collection CV-05-490-MM	\$300.00 \$235.00 \$160.00	David Axelrod Todd Grewe Miller		1975 1996
				\$110.00	Paralegal	
				\$75.00	Staff	
Anna Brown	3/6/2006	Fair Debt Collection Action Violation Kindra Clark v. Quick Collect 04-CV-1120-BR (No objection to rate awarded lump sum after reducing for various reasons)	\$250.00	William Goode		1984
Ancer Haggerty	3/8/2006	Job (Sex) Discrimination	\$250.00	Danielle Snyder		1973
		Lampert v. Clackamas County CV 03-828-HA	\$225.00 \$200.00	Holly Lloyd Donald Bourgeois		1994 1972
			\$175.00	Oldham		
				\$90.00	Paralegal	

Summary of Attorney Fee Rate Awards
USDC Oregon 2006 - 2008

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Anna Brown	3/21/2006	Fees for improper removal to state court	\$253.00	Charles Siegel		1985*
		Fredrickson v. Consolidated Supply	\$239.00	Thomas Powers		1998
		05-CV-1704-BR	\$169.00			2001*
Michael Mosman	3/28/2006	ERISA				
		Oregon Laborers-Employers Health & Welfare v. Milne Masonry CV 05-1445-MO (Granted in Full)	\$175.00	Charles Colett		1979
John Jelderks	3/30/2006	UTPA				
		Allen v. Delrich Properties, et al.	\$190.00	William Ohle		1991
		05-462-JE (Rate reasonable, amount excessive)				
Garr King	4/17/2006	Employment	\$250.00	Steven Wilker		1991
		Lanier v. City of Woodburn, et. al.	\$180.00	Paul Conable		1997
		04-1865-KI (Awarded full amount no objections to rate)				
Anna Brown	6/9/2006	Malpractice - Breach of Fiduciary Duty - Racketeering	\$276.00	Alex Proust		1991
		McAleese et al. v. Dean Kalivas (attorney)	\$276.00	Donald Krahmer		1988
		CV-03-865-BR (Awarded 115,802.62 + costs)	\$276.00	Mark Stayer		1985
			\$300.00	Gary Roberts		1974
		Recovery in case was \$4,010,050.50	\$300.00	Marc Sellers		1979
			\$300.00	Jan Kitchel		1978
			\$202.00	Assoc	1998-2002	
			\$166.00	Assoc	2000	
			\$158.00	Assoc	2003-2006	

Summary of Attorney Fee Rate Awards
USDC Oregon 2006 - 2008

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Anna Brown	7/7/2006	FMLA Claim	\$275.00		Only mentions rates	
		Farrell v. Tri-Met CV 04-296-PA (Declined multiplier, 35% reduction for lack of results obtained - doesn't list specific rates - apportionment of fees due to success on certain claims reduced 20%) Awarded \$42,163.00 + costs		\$100.00		
Garr King	7/31/2006	Arbitration	\$150.00		No attys listed	
		Metalmark Northwest v Stewart, et al CV 04-468-KI		\$150.00	Reduced from \$275 \$75.00	Paralegal
Garr King	8/7/2006	FOIA (fee stds are different) Oregon Natural Desert Ass'n v Gutierrez, Sec of US Dept Commerce, NOAA Fisheries and Natl Marine Fisheries Serv (Apportionment of fees for unsuccessful claims discussed reduced by 15%)	\$210.00 \$190.00	Peter Lacy Peter Lacy		
Garr King	9/28/2006	Section 1983 Civil Rights Turner v State of Oregon CV 04-276-KI (Based on contingent fee estimate of hrs - no time records kept - awarded \$101,100)	\$337.00	Charles Merten Requested \$400	\$95.00	Law clerk 1963
Dennis Hubel	11/13/2006	Title VII pregnancy discrimination claim	\$225.00	Craig Crispin		1982
		Dunn v. CSK Auto, Inc. CV 05-116-HU	\$205.00	Charese Rohny and others	\$90.00 \$40.00	1995 Paralegal Paralegal

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USDC Oregon 2006 - 2008

Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Anna Brown	11/22/2006	For Sanctions re motion to compel Renteria v. Oyarzun and Good Samaritan CV 05-392-BR (Fee reduced for excessive time)	\$160.00 \$125.00	Molly Marcum \$125.00	Devon Newman	1983 2001
Anna Brown	12/13/2006	Insurance contract claim Good Shepherd Health Care v Travelers Casualty CV 05-1683-BR (This resolved by settlement so court did not determine amount of fees - initial fees were denied)	\$325.00 \$215.00 Note - rates NOT awarded by court	Scott Kaplan Kristen Sterling \$160.00 \$65.00	1991 2003 Paralegal Proj Asst	
Paul Papak	1/12/2007	Breach of Contract Acradyne Corp, et al. v. Euro-Herramientas CV 04-1526PK		No rate listed just says it's "reasonable for area"		
Janice Stewart	1/30/2007	Interference with inheritance Hutchens v Hutchens-Collens CV-04-281-ST (All fees denied - not allowed - but discusses costs)	\$200.00	Requested		
Anna Brown	3/1/2007	Copyright infringement Marilyn Olson v. Tenney & Kaker Book House 05-CV-1296-BR (Reduced by 40% for duplication of effort by attys)	\$289.00 \$310.00 \$208.00 \$174.00	William O. Geney Michael King + others \$253.00	+ 2 others 1983 2002 2005	
Michael Mosman	3/9/2007	Job Discrimination (Employment) Halseth v. B.C. Towing, Inc. CV 04-1409-MO (Jury verdict for plaintiff- No objection to petitions - Awarded \$115,412 fees)	\$325.00 \$250.00 \$95.00	Craig Crispin Assoc Paralegal		1985

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Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
Paul Papak	3/15/2007	Civil Rights Galdamez v. Potter (Postal Service) CV 00-1768-PK (Reduced fees by 40% did not prevail at 1st trial)	\$300.00 \$220.00 \$250.00	Thomas Spaulding Craig Cordon Mitra Shahri		1985 1982 2002
Robert E. Jones	4/2/2007	Employment Nielsen v. New Cingular wireless PCS CV 05-320-JO (reduced by 20%)	\$225.00	Elizabeth Farrell		2001
Janice Stewart	4/10/2007	Copyright infringement Partner Connections LLC v. NCH Partners et al. CV-05-605-ST (Used OSB survey + % for inflation)	\$242.07 \$248.36	Sand Campbell Sand	\$153.56	1978 1977 2002
Paul Papak	5/23/2007	Employment discrimination Gladamez v. Potter (Postmaster) CV 00-1768-PK (Reduced for excessive time)	\$300.00 \$220.00	Tom Spaulding Craig Cordon		1985 1982
Michael Mosman	7/11/2007	Defamation and false light Northon v. Ann Rule CV06-851-MO (Was reduced by 4/5 primarily due to excessive billing) Awarded \$40,000	No hourly rates listed			
Garr King from Papak	7/11/2007	ERISA	\$300.00	Daniel Ricks		1978 & 1977
	from 6/22/07 findings	Rita Strand v. Automotive Machinists Pension Trust CV 06-1193-PK (Discussion in findings re use of survey - awarded \$45,068.33)	\$240.00 \$80.00	Melissa Kelleigh Paralegal		2002

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Judge	Date	Case Type	Rate	Rate	Rate	Year admitted to OSB if known
John Jelderks	10/9/2007	Contract and Copyright Infringement Dunn & Fenley v. Allen Eye Care Assoc. 02-1750-JE Awarded \$177,681 fees	\$300.00	Kenneth Davis II		1997
Dennis Hubel	10/10/2007	Patent Infringement Relion v. Hydra Fuel Cell CV 06-607-HU (Awarded a lump sum for partial request and granted one request hourly) Awarded \$7,396	\$320.00	Scott Eads		1991
Donald Ashmanskas	1/9/2008	Fair Labor Wage Claim Monte Scott v American United Life Insurance CV 05-1215-AS (Requested \$71,233.50 awarded flat fee of \$30,000 due to apportionment on claims)	\$250.00	Michael Merchant	varied from \$215-\$250	1988
				\$175.00	Kelly Tilden	2001
					\$130.00	Law clerk